

September 22, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Tom Kim
2787 E. Del Amo Blvd.
Rancho Dominguez, CA 90221

RE: CONDITIONAL USE PERMIT & PARKING PERMIT CASE NO. 02-270-(2)
A request to authorize continued use of three existing tattoo and body piercing booths and establishment of one massage booth in an existing 101,604 square foot swap meet and to authorize less than required parking for the swap meet as well as off-site employee parking on weekends on two adjacent properties at 2787 E. Del Amo Blvd., Rancho Dominguez.

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings relating to **APPROVAL** of the above referenced case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be post marked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

Department of Regional Planning
James E. Hartl, AICP
Director of Planning

Russell J. Fricano, Ph.D., AICP
Section Head
Zoning Permits Section

RJF:KJ

Conditional Use Permit & Parking Permit Case No. 02-270-(2)

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; Kang Hwan Cho, Kevin Ki, Victoria Bekmezian, Alex Gonzalez, Jackeline Falla.

**CONDITIONAL USE PERMIT & PARKING PERMIT NO. 02-270-(2)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: April 21, 2004

SYNOPSIS:

The applicant is requesting a Conditional Use Permit to authorize continued use of three existing tattoo and body piercing booths and establishment of one massage booth in an existing 101,604 square foot swap meet and a Parking Permit to authorize less than required parking for the swap meet as well as off-site employee parking on weekends on two adjacent properties.

PROCEEDINGS BEFORE THE COMMISSION:

April 21, 2004 Public Hearing

A duly noticed public hearing was held on April 21, 2004 before the Regional Planning Commission. Commissioners Valadez, Helsley, Bellamy, Modugno and Rew were present. Two people testified: two of the applicants, Mr. Tom Kim and Mr. Alex Gonzalez, both of whom presented testimony in favor of the request and answered questions presented by the Commission.

The Commission discussed the protocol for disposing of used needles as well as parking and landscaping for the overall site.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare findings and conditions for approval.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize continued use of three existing tattoo and body piercing booths and establishment of one massage booth in an existing 101,604 square foot swap meet and a Parking Permit to authorize less than required parking for the swap meet as well as off-site employee parking on weekends on two adjacent properties. The site is located at 2787 E. Del Amo Boulevard, Rancho Dominguez, in the Del Amo Zoned District. The properties on which off-site parking is proposed are located at 2757 & 2727 E. Del Amo Boulevard, adjacent to and westerly of the swap meet site.
2. Zoning on the site is M-2 (Heavy Manufacturing). Pursuant to Section 22.32.160 of the Los Angeles County Code, premises in zone M-2 may be used for any use except for those uses listed in that section and that uses listed in Sections 22.32.170, 22.32.180 and 22.32.180 are permitted only as provided in such sections. Pursuant to Section 22.32.190, tattoo parlors, body piercing parlors and massage parlors are permitted in the M-2 zone, provided a conditional use permit is obtained.

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3. The surrounding properties are zoned as follows:

North: M-2

South: City of Carson Heavy Manufacturing Zone

East: M-2

West: M-2

4. The subject property is currently used as a commercial swap meet containing 127 booths where various commercial goods are sold. Three of these booths are used for the sale of food and beverages to swap meet customers with minimal seating provided directly adjacent to these booths.

5. Surrounding properties contain the following uses:

North: Manufacturing

South: Business Parks, Manufacturing

East: MTA Blue Line and Station

West: Manufacturing

6. The following zoning cases have been filed on the subject property:

- A. Plot Plan Review No. 14949 was approved in 1966 to authorize the establishment of the swap meet building in 1966 as an industrial building. The Plot Plan was subsequently revised in June of 1990 to authorize use of the existing building for 74,000 square feet of warehouse area, 19,663 square feet of retail area and 7,941 square feet of office area. The Plot Plan was again revised in November of 1990 to authorize use of the existing building for 38,500 square feet of retail use, and 63,104 square feet of warehouse use. A subsequent plot plan was submitted requesting conversion of a portion of the warehouse to office space; however, this request was denied based on lack of parking.
- B. Parking Permit No. 90-426-(2) was approved in 1991 to authorize less than required and off-site parking to accommodate use of the entire existing structure for retail sales. This Parking Permit expired in 1996 and Parking Permit No. 95-072-(2) was subsequently filed to renew the previous grant.
- C. Parking Permit No. 95-072-(2) was approved by a Hearing Officer in 1996 and the applicant subsequently appealed several of the conditions to the Regional Planning Commission. The case was heard on several occasions by the RPC and was taken off of the Commission's calendar on March 12, 1997. No action

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was taken until late 2002 when the applicant requested that the case be reopened. Staff advised the applicant to withdraw this case and file a new Parking Permit given the length of time that had transpired.

7. A number of zoning violations have occurred on the property between 1985 and 2003. These violations have been related to outdoor storage and display, use of the entire building for retail sales without adequate parking and prior to approval of a Parking Permit, banners and portable/temporary signage, outdoor entertainment and dancing, establishment of uses requiring Conditional Use Permits prior to obtaining Conditional Use Permits and inoperable vehicles and other storage in parking areas. Prior to the April 21, 2004 public hearing, Zoning Enforcement staff indicated that these violations had been cleared, allowing the project to be scheduled for a public hearing.
8. The subject property is designated Major Industrial in the Countywide General Plan. This designation allows "...a wide range of industry and industry-related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force." The designation also allows industrial services that are smaller in scale and provide a service to the local area. The swap meet is not an industrial use and; therefore, would be subject to the following General Conditions and Standards for Development for Non-Industrial Uses within Major Industrial Areas (pages III-33 and III-34 of the Countywide General Plan):

- A. "The area in question is not suitable for present or future industrial use due to conflicts with existing or emerging land use patterns, lack of sufficient and adequate access, or the presence of site specific physical characteristics posing severe constraints for industrial development; or the proposed use demonstrates a desirable, compatible and well-integrated pattern of employment and housing opportunities, and thereby furthers General Plan objectives pertaining to reduced energy consumption and improved air quality."

The area is suitable for industrial use and the majority of adjacent properties contain such uses. The swap meet is a desirable use in this area and has been successful at this location for a number of years. The use is well-integrated into the area and provides employment opportunities for a large number of vendors; however, there have been a number of repeated zoning violations that have occurred while the swap meet has been in operation.

- B. "The proposed non-industrial use, individually or in combination with adjacent uses, will not adversely impact the viability of surrounding areas for the maintenance or expansion of industrial activities."

The use of the swap meet will not have an impact on continued use or potential expansion of industrial uses in the vicinity. The area has remained a largely industrial area and will likely continue to be such based on surrounding zoning. The use of the two adjacent properties for parking could be considered as detracting from use of these properties for additional industrial use; however, these properties are already developed with viable industrial uses and use of their parking lots will only occur on weekends when the industrial uses are not

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in operation. The swap meet building was built as a warehouse and could easily be converted to an industrial use in the future if business at the swap meet should decline.

- C. "Compatibility of the proposed non-industrial use with current and future industrial activities in the area is ensured through specific site plan review and approval."

Changes to the use or site will require a Director's review to ensure compatibility with adjacent industrial uses.

9. The site plan depicts the 101,604 square foot swap meet building encompassing the bulk of the subject property and surrounded on all sides by parking. Landscaping is also depicted scattered throughout the parking lot. One access point is depicted via Del Amo Boulevard to the south and two access points are depicted via Santa Fe Avenue to the east.
10. The use complies with the following development standards of the M-2 zone, as provided in Section 22.32.200 of the County Code, as follows:
 - A. The property may not be used for outside storage or display.
 - B. A comprehensive signage program will be required to ensure that the property is in compliance with the provisions of Part 10 of Chapter 22.52 of the County Code.
11. The use does not comply with the parking requirements of part 7 of Chapter 22.52 of the County Code, as follows:

Section 22.52.1100 indicates that parking for commercial uses shall be provided at a ratio of one space per 250 square feet of floor area. The swap meet is 101,604 square feet in size; therefore, 406 parking spaces are required. A total of 289 parking spaces are provided; therefore, the project is deficient in parking by 117 spaces, a 29% reduction. The applicant has filed a Parking Permit to authorize this reduction.

A parking demand study was undertaken by the applicant in March 2002 to determine the extent of the weekday and weekend demand for parking on the site. The peak weekday parking demand was determined to be 117 spaces and the peak weekend parking demand was determined to be 292 spaces.

Although the adopted Transit Oriented Districts (TOD's) do not include the area adjacent to the Del Amo Blue Line Station, it is important to note that the subject site is located within a quarter mile radius of a Blue Line Station. If a TOD were to be established for the properties surrounding this station, a 40% reduction in required parking would be permitted without a Parking Permit.

12. The applicant is proposing to utilize two adjacent properties for off-site employee parking on weekends. Use of these parking spaces would add 91 additional parking spaces.

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The applicant has provided signed lease agreements executed with the adjacent property owners authorizing use of these parking spaces on a month-to-month basis. The conditions stipulate that prior to any use, occupancy, off-site parking lease or transportation program changes, a Director's review will be required and, if deemed necessary by the Director, a new Parking Permit.

13. Based on the new parking design proposed and the lack of adequate aisle width at the rear of the building, traffic controls will be required to be implemented to ensure that vehicles traveling on the eastern, western and northern ends of the parking area travel in one direction only.
14. The Zoning Code does not contain specific standards related to massage or body art establishments; however, the Business License Code (Title 7) does contain a number of standards with respect to such operations. In addition to a condition requiring acquisition and maintenance of Business Licenses for these operations, many of the specific Title 7 requirements have also been included in the conditions of approval.
15. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the swap meet is an existing use, the project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
16. Staff received no public comments in relation to this request.
17. Conditions of approval will ensure that potential impacts of the project will be addressed.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

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WITH RESPECT TO THE PARKING PERMIT:

- A. There will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because the business has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities;
- B. There will be no conflicts arising from special parking arrangements allowing shared facilities because uses sharing parking facilities operate on different days of the week;
- C. Off-site facilities and leases of less than 20 years, will provide the required parking for the use because such off-site facilities are controlled through leasing by the owner of the uses for which the sites serve and are conveniently accessible to the main use and such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces and such leases shall contain other guarantees assuring continued availability of the spaces;
- D. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and
- E. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a Conditional Use Permit and Parking Permit as set forth in Sections 22.56.090 and 22.56.1020, respectively, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

- 1. In view of the findings of fact presented above, Conditional Use Permit and Parking Permit Case No. 02-270-(2) is **APPROVED** subject to the attached conditions.

VOTE ***5-0***

Concurring: ***Valadez, Bellamy, Helsley, Rew, Modugno***

Dissenting: ***0***

Abstaining: ***0***

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Absent: 0

Action Date: 9/22/04

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1. This grant authorizes the use of the subject property for a commercial swap meet containing no more than three (3) tattoo/body piercing booths and one (1) massage booth with less than required parking and off-site parking on weekends on two adjacent properties, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 6 months from the date of approval. A one-month time extension may be requested, in writing and with payment of the applicable fee, at least one month before the expiration date. Compliance with condition no. 3 shall constitute use of this grant.
 7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

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8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on September 22, 2009.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new Conditional Use Permit and Parking Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **10 bi-annual inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the amount equal to the current recovery cost at the time of payment, if that amount is different.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent

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information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
17. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing, that depicts all required project changes, including restrictions of vehicular movement as required in condition 31. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
18. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the size and height of all existing and proposed signage, developed in accordance with the requirements of the County Code. No balloons, banners or portable signs are permitted. Any existing signage not in compliance with the County Code shall be removed immediately upon the permittee's notification by the Director.
19. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance, or to exercise reasonable oversight of tenants or others so that development or activities not in full compliance are allowed to continue unabated, shall be a violation of these conditions.
20. The permittee shall continuously maintain the property in a neat, clean and healthful condition, free of litter and debris, to the satisfaction of the Director.
21. All swap meet operations shall be conducted within the swap meet building. Any outdoor storage that may be proposed in the future shall comply with Part 7 of Chapter 22.52 of the County Code, shall not be established in required parking spaces, and shall be subject to review and approval of a revised Exhibit "A." Outdoor sales, displays or services are prohibited.
22. The permittee shall not permit the establishment of any use on the property that is listed in the County Code as a use subject to a Conditional Use Permit in the M-2 zone without first obtaining a Conditional Use Permit for such use. If it is discovered that the permittee has allowed such a use to be established without first obtaining a Conditional Use Permit, such use shall terminate immediately and the Director shall not waive the provisions of Section 22.04.110 of the County Code.

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23. The property owner shall ensure that a minimum of 289 parking spaces are provided on the subject property. Seven (7) of the required spaces must be accessible to, designated and reserved for disabled persons, one (1) of which must be van-accessible. A maximum of 116 spaces may be compact sized spaces. All required parking spaces shall remain free and clear of debris, shall be continuously maintained for vehicular parking only, and shall not be used for storage, vehicular repair, or any other unauthorized uses. No inoperable vehicles shall be parked or stored in any required parking spaces.
24. Within sixty (60) days of the approval date of this grant, the permittee shall submit for review and approval by County Counsel an agreement, as a covenant running with the land for the benefit of the County of Los Angeles, providing that should this parking permit terminate, the permittee or his successor in interest will either develop the parking spaces needed to bring the use or occupancy into conformance with the requirements of Part 11 of Chapter 22.52 of the County Code or modify the use of the building such that all required parking spaces are provided on-site. The approved document shall be recorded prior to use of this grant.
25. Within sixty (60) days of the approval date of this grant, the permittee shall submit for review and approval by the Director and County Counsel a lease agreement to be executed between the permittee and the owners of the off-site parking lots located at 2757 & 2727 E. Del Amo Boulevard which shall remain in effect for the duration of this grant. Said leases shall be written in such a way as to prevent multiple leasing of the same spaces or cancellation of the leases without providing alternate spaces, and the lease shall contain other guarantees assuring continued availability of the spaces. The approved lease agreement shall be executed prior to use of this grant and shall remain in effect for the duration of the grant. A minimum of 91 total spaces shall be provided off-site.
26. The permittee shall provide and continuously have on file with the Department of Regional Planning a contact name and phone number for the swap meet manager and the manager of each permitted tattoo/body piercing and massage booth.
27. The conditions of this grant shall be retained in the on-site manager's office at all times and shall be immediately produced upon request of any County Sheriff, Department of Regional Planning zoning inspector or any other county official. The swap meet manager, all employees of the swap meet and all tattoo, body piercing or massage tenants or technicians in any such booths shall be knowledgeable of the conditions herein and all tenants or vendors shall be notified in writing as to the terms of this grant.
28. Not more than 3,000 square feet of floor area (inclusive of any seating area) within the subject building may be used for a maximum of three (3) snack bar type food businesses. No other portion of the building or the property exterior may be used for the sale of prepared food. Total restaurant seating for all three (3) restaurants shall not exceed 50.

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29. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program to encourage employees and tenants of the facility to utilize alternative modes of transportation. Viable TDM components may include, but shall not be limited to:

- Carpools;
- Ridesharing;
- Vanpools;
- Modified work schedules/flex time;
- Increase use of bicycles for transportation;
- Bicycle racks;
- Preferential parking for TDM participants;
- Incentives for TDM participants;
- Disincentives.

Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, a written proposal for such a TDM program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

30. Any changes in use, occupancy, off-site parking lease or TDM program shall require a Director's Review unless such a change will result in increased on-site parking demand or relocated off-site parking. If a use or occupancy change will result in increased parking demand or relocated off-site parking, a new Parking Permit shall be required to authorize such a change. The permittee shall promptly notify the Director in the event any off-site parking lease agreement is terminated
31. Circulation controls shall be implemented to ensure that vehicles only travel north on the eastern side of the building, west on the northern side of the building, and south on the western side of the building. These measures shall be depicted on the revised Exhibit "A."
32. All food, beverage and toy vending machines shall be kept in one (1) enclosed area.
33. The permittee is authorized to maintain a butcher, bakery and produce stands at the swap meet. The consumption of food from these establishments shall be off the premises.
34. The permittee shall maintain a floor plan of all swap meet vendors in the manager's office. The floor plan shall be updated annually to reflect changes in vendors.
35. The permittee shall comply with all conditions contained in the attached letter from the Los Angeles County Fire Department dated March 4, 2003.
36. The permittee shall comply with all conditions contained in the attached letter from the Los Angeles County Department of Public Works dated December 19, 2002.
37. The following conditions apply to the establishment and operation of the approved massage booth:
- a. The operator of the massage booth and all technicians employed in or utilizing the booth shall obtain a Business Licenses pursuant to Title 7 of the County Code and such license shall be maintained in effect for the life of the grant. The massage

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booth operator and all technicians shall comply with all regulations or conditions of said license and violations of this license shall also be considered violations of this grant. Copies of all current licenses for the booth and technicians shall be submitted to the Director subsequent to all renewals and new licenses being granted.

- b. The permittee shall comply with all requirements of Chapter 7.54 of the Los Angeles County Business License Code including, but not limited to, the following:
 - i. No massage or massage services shall be given in a business or premises within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices).
 - ii. Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.
 - iii. Minimum ventilation shall be provided in accordance with the building code.
 - iv. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.
 - v. Hot and cold running water shall be provided at all times.
 - vi. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen."
 - vii. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room; or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
 - viii. A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.
 - ix. The licensee shall not conduct or operate a massage parlor between the hours of 10:00 p.m. and 7:00 a.m. of any day, and shall exclude all customers, patrons and visitors therefrom between those hours.

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- x. No building or part thereof where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers.
- xi. All walls, ceilings, floors and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.
- xii. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.
- xiii. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.
- xiv. A person shall not enter, be or remain in any part of a massage parlor or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.
- xv. No massage or massage services may be administered unless the patron wears clothing which covers the patron's genitals, and if the patron is female, the breasts. The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body from knee to neck.
- xvi. All massage technicians must wear a picture I.D. issued by the treasurer and tax collector while working in a massage parlor. The Los Angeles County Sheriff's Department shall conduct a background check on all massage parlor personnel prior to the issuance of a picture I.D. by the Los Angeles County Treasurer and Tax Collector.
- xvii. All establishments licensed under Section 7.54.210 of the Business License Code shall at all times the establishment is open have a responsible person licensed under Section 7.54.210 acting as manager on the premises at all times. The manager must be familiar with the requirements of Chapter 7.54 of the Business License Code and be capable of communicating these provisions to employees and patrons of the establishment. Further, that person shall meet the following qualifications:
 - (a) Shall be at least twenty-one (21) years of age.

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- (b) Shall possess on the premises a valid state picture identification card or driver's license.
- (c) Shall have the ability to effectively communicate with any County regulatory officials.

The manager shall introduce himself to any County regulatory official immediately upon notification of that official's presence at the business. The manager and all staff members shall cooperate with any County regulatory official's investigation.

- c. All massage technicians shall be maintained as "employees" as defined by State and federal labor law unless a written sublease is executed to assign a specific treatment area to an independent contractor. Any independent contractors utilizing the booth shall obtain a separate massage parlor business license prior to commencing operation.
- d. The massage booth operator and all technicians shall comply with any requirements subsequently adopted by the Business License Commission with respect to the operation of the facility.
- e. The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of Chapter 7.54 of the Business License Code upon receiving satisfactory evidence that either:
 - i. The licensee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Penal Code Section 647(b), 266(h), 266(i), 315, or 316; or
 - ii. The licensee has violated any provision of Chapter 7.54 of the county code on two separate occasions within a 12-month period.

Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one year from the date of revocation. Should the Business License Commission revoke any license, the Regional Planning Commission shall initiate proceedings to revoke or modify the Conditional Use Permit for this use.

- f. No adult programming shall be aired on any television or other electronic device within the booth.
- g. Patrons of the establishment shall not remove or change clothing at any time during their patronage of the establishment.
- h. The massage booth operator shall, within sixty (60) days of the approval date of this grant, submit to the Director for review and approval three (3) copies of floor plans of their respective booth, drawn to scale, and depicting the layout of the booth including, but not limited to, any partitions, waiting areas, massage areas, sinks, etc.

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The subject booths shall be developed and maintained in substantial compliance with the approved floor plans. Any changes to the floor plans shall be submitted to the Director for review and approval as a revised Exhibit "A."

38. The following conditions apply to the continued operation of the three (3) approved tattoo and body piercing booths:
- a. Each tattoo/body piercing booth operator shall, within sixty (60) days of the approval date of this grant, submit to the Director for review and approval three (3) copies of floor plans of their respective booth, drawn to scale, and depicting the layout of the booth including, but not limited to, any partitions, waiting areas, tattoo and piercing stations, sinks, etc. The subject booths shall be developed and maintained in substantial compliance with the approved floor plans. Any changes to the floor plans shall be submitted to the Director for review and approval as a revised Exhibit "A."
 - b. No person under the age of 18 years, unless accompanied by a parent or guardian, and no person possessing, consuming or using any alcoholic beverage or illegal drug shall be permitted within the tattoo/body piercing booths at any time. A clear and legible sign giving notice of this provision shall be prominently posted at the entrance to each tattoo/body piercing booth.
 - c. Within thirty (30) days of the approval date of this grant, all tattoo and/or body piercing artists employed by or utilizing any of the tattoo/body piercing booths shall obtain any required permits or licenses as may be required including, but not limited to, Business Licenses pursuant to Title 7 of the County Code or Public Health Facilities Permits and Public Health Operator Permits pursuant to Title 11 of the County Code and such permits or licenses shall be maintained in effect for the life of the grant. The permittee shall comply with all regulations or conditions of said permits or licenses and violations of these permits or licenses shall also be considered violations of this grant. Copies of all current licenses for each booth and each artist shall be submitted to the Director subsequent to all renewals and new licenses being granted.

Attachments:

Department of Public Works Letter Dated December 19, 2002

Fire Department Letter Dated March 4, 2003

RJF:KJ
9/16/04